

THE COMMONWEALTH OF MASSACHUSETTS

**EXECUTIVE OFFICE OF ENERGY &
ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

ONE WINTER STREET, BOSTON, MA



Request for Response (RFR)

Document Title: Water Management Act Grant

**Agency Document Number: BWR-2018-01
August 11, 2017**

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1 RFR INTRODUCTION AND GENERAL DESCRIPTION

1.1 Procurement Scope and Description

The Commonwealth of Massachusetts Department of Environmental Protection (MassDEP) is soliciting proposals for projects providing planning assistance, demand management, minimization, and mitigation activities for withdrawal impacts in local communities.

1.2 Background information

In November of 2014, after five years of comprehensive stakeholder review and input from public water suppliers, business interests, and environmental organizations, MassDEP published revised Water Management Act (WMA) regulations. These regulations establish enforceable standards, criteria, and procedures (including permit procedures) to implement the WMA (M.G.L. c. 21G). The regulations are intended to comprehensively manage water withdrawals throughout the Commonwealth to ensure an appropriate balance among competing water needs and the preservation of water resources. This grant provides a resource for WMA permitted public water suppliers to develop minimization strategies to address existing impacts, and mitigation measures for increased withdrawal impacts, as required in the WMA Regulations.

1.3 Applicable Procurement Law

This Bid is issued under the following law(s):

- MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00 (Grants)

1.4 Number of awards

The target maximum number of awards is 10. This is a target number; MassDEP may award more or fewer contracts if it is in the best interests of the Commonwealth to do so.

1.5 Eligible Entities

The Water Management Act Grant is designed to assist eligible public water suppliers and municipalities with meeting the requirements of the Water Management Act regulations by providing funds for planning assistance, demand management, minimization, and mitigation projects to address existing and proposed withdrawal impacts in local communities. Only public water suppliers with a WMA permit are eligible for this grant program.

1.6 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Solicitation are Fee for Service.

1.7 Performance and Payment Time Frames Which Continue Beyond Duration of the Contract.

All term leases, rentals, maintenance or other agreements for services entered into during the duration of this contract and whose performance and payment time frames extend beyond the duration of this contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written

agreement). No new leases, rentals, maintenance or other agreements for services may be executed after the contract has expired. Any contract termination or suspension pursuant to this section shall not automatically terminate any leases, rentals, maintenance or other agreements for services already in place unless the department also terminates said leases, rentals, maintenance or other agreements for service, which were executed pursuant to the main contract.

1.8 Contract Duration

The expected duration of this contract is as follows:

Contract Duration	Number of Years/Months
Initial Duration	From the execution date through 06/30/2018
Renewal Options	None
Total Maximum Contract Duration	From the execution date through 06/30/2018

No goods may be ordered and no new leases, rentals, maintenance or other agreements for services may be executed after the Contract has expired.

1.9 Estimated Value of the Contract

The estimated value of purchase(s) resulting from this Bid is \$1,000,000. The Commonwealth makes no guarantee that any commodities or services will be purchased from any Contract resulting from this Bid. Any estimates or past procurement volumes referenced in this Bid are included only for the convenience of Bidders, and are not to be relied upon as any indication of future purchase levels. Funding for additional years is possible, but applicants must re-apply. All funding is contingent upon appropriation by the Massachusetts legislature.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Bid Release Date	August 11, 2017
Physical Bidders' Conference	August 30, 2017, at 1:00 pm Conference Room C MassDEP Boston Office One Winter Street, Boston, MA
Deadline for Submission of Questions	September 4, 2017
Official Answers for Bid Q&A published (Estimated)	September 11, 2017

Bid Amendment Deadline. Bid documents will not be amended after this date.	September 11, 2017
Deadline for Quotes/Bid Responses	September 18, 2017
Notification of Apparent Successful Bidder(s) (Estimated)	November 16, 2017
Estimated Contract Start Date	December 21, 2017

Times are Eastern Standard/Daylight Savings.

2.1 **Written questions via the Bid Q&A**

The "Bid Q&A" provides the opportunity for Bidders to ask written questions and receive written answers regarding this Bid. All Bidders' questions must be emailed to Jen D'Urso at the MassDEP (jen.durso@state.ma.us). Questions may be asked only prior to the Deadline for Submission of Questions stated in the Estimated Procurement Calendar. The issuing department reserves the right not to respond to questions submitted after this date. It is the Bidder's responsibility to verify receipt of questions.

Please note that any questions submitted using any other medium (including those that are sent by mail, fax, or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate questions, Bidders are asked to review all questions previously submitted to determine whether the Bidder's question has already been posted.

Bidders are responsible for entering content suitable for public viewing, since all of the questions are accessible to the public. Bidders must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusive, or otherwise objectionable, including information about the Bidder's company or other companies. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) reserves the right to edit or delete any submitted questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Bid.

All answers are final when posted. Any subsequent revisions to previously provided answers will be dated.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain a current the email address of the Bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the Purchasing Department, including requests for clarification. The Purchasing Department and the Commonwealth assume no responsibility if a prospective Bidder's/awarded Contractor's designated email address is not current, or if technical problems, including those with the prospective Bidder's/awarded Contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the

prospective Bidder/Awarded contractor and the Purchasing Department to be lost or rejected by any means including email or spam filtering.

2.2 Locating Bid Q&A

The Bid Q&A will be available at:

<http://www.mass.gov/eea/agencies/massdep/water/grants/water-management-act-grant-program.html>.

2.3 Amendment Deadline

The MassDEP reserves the right to make amendments to the Bid after initial publication. It is each Bidder's responsibility to check for any amendments, addenda or modifications to this Bid, and any Bid Q&A records related to this Bid. The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid.

2.4 Physical Bidders' Conference (in person)

The Bidders' Conference is the physical conference conducted for the purpose of informing prospective Bidders about general Bid information and answering questions from prospective Bidders. Attendance is optional. Please refer to the MassDEP website for any updated information, including the location, time and date of the Bidders' Conference.

3 SPECIFICATIONS

Additional required terms appear in the Appendices to this RFR.

The Water Management Act Grant is designed to assist eligible public water suppliers and municipalities to meet the requirements in the Water Management Act regulations by providing funds for planning assistance, demand management, and mitigation projects in local communities. The Department has determined that the focus of these grants will be for: 1) planning projects for specific watersheds or subwatersheds to identify implementation projects to improve ecological conditions; 2) demand management projects aimed to improve the efficiency of our use of water within a municipality or a watershed; and 3) minimization and mitigation projects in the following categories: improve or increase instream flow, wastewater projects that keep water local including reductions in inflow and infiltration, stormwater management projects that improve recharge, reduce impervious cover and/or improve water quality, water supply operational improvements, habitat improvement, and other projects that can be demonstrated to minimize the impacts of existing withdrawals and mitigate the impacts of increased water withdrawals.

The Department encourages all types of eligible, competitive projects in all watersheds. Particular consideration will be given to proposed projects in highly impacted basins or subbasins, and to water suppliers with a demonstrated demand for more water. Please see the WMA Interactive Map at:

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/sustainable-water-management-initiative-swmi.html>. In areas unassessed by the WMA framework, the Department will give particular consideration to projects designed to address demonstrated impacts to flow or habitat.

Competitive projects are typically comprised of one or more eligible activities. Project proposals should fall under one or more of two categories: Planning projects and Implementation projects. Implementation projects will be divided into two types—demand management and mitigation projects.

Eligible Planning Projects

Planning projects should identify available studies, collect available data, and provide an analysis of the costs and benefits of minimization, mitigation and offset options for particular water withdrawal increases in a particular basin/subbasin. Drought management planning is also an eligible planning project. The WMA Permit Guidance, found at:

<http://www.mass.gov/eea/agencies/massdep/water/watersheds/water-management-act-program.html#3> should serve as a guide for minimization and mitigation requirements.

Available studies may include, but are not limited to: reservoir Firm Yield studies; Pumping Test/Zone II reports; U.S. Geological Survey (USGS) reports, stormwater management plans, dam removal feasibility studies, WMA Pilot Project Report(s), and fisheries restoration studies. Existing data also include water use forecasts; existing indoor and outdoor water

conservation programs; water and sewer billing rates; wastewater collection and disposal systems; sewer system inflow/infiltration data; existing reports or data describing instream aquatic habitat characteristics; inventory of dams; stormwater system data, or an inventory of road crossings over streams and culvert types. Data could also include existing programs such as: local bylaws regulating land development; indoor and/or outdoor water use; water supply protection; and stormwater management.

Data should include water use forecasts; existing indoor and outdoor water conservation programs; water and sewer billing rates; wastewater collection and disposal systems; sewer system inflow/infiltration data; existing reports or data describing instream aquatic habitat characteristics; inventory of dams; stormwater system data, and an inventory of road crossings over streams and culvert types. Data should also include existing programs such as: local bylaws regulating land development; indoor and/or outdoor water use; water supply protection; and stormwater management.

Evaluating the minimization of impacts should characterize the community public water supply system sources and capacities and evaluate various measures for minimizing impacts in subbasins. Water suppliers will be required to evaluate the following options, and develop an implementation plan based on feasibility and Flow Level improvement: 1) optimization of existing resources; 2) use of alternative sources, including sources available to meet seasonal needs; 3) interconnections with other communities or suppliers; 4) releases from surface water impoundments; 5) outdoor water use restrictions tied to streamflow triggers and the messaging of such restrictions; 6) implementation of reasonable conservation measures consistent with health and safety, like rate increases and higher billing frequency; 7) New England Water Works Association and Massachusetts Water Works Association's Toolbox of BMPs for Water Resource Management (<http://newwa.org/Resources/UtilityResources/NEWWABMPsandAdvisories.aspx>); and 8) other measures that return water to the sub-basin or basin intended to improve flow. Please provide options for assessment and implementation of the minimization requirements and cost estimates for each potential minimization action.

Evaluating the options for mitigating and offsetting proposed water withdrawal increases.

A discussion of mitigation options begins on page 29 of the WMA Permit Guidance (<http://www.mass.gov/eea/agencies/massdep/water/watersheds/water-management-act-program.html#3>). Categories for mitigation projects are demand management, other activities that will improve instream flow, wastewater, stormwater, water supply, and habitat. Other options that might be applicable to the applicant's specific circumstances should also be evaluated. Projects should evaluate the applicability, feasibility, and cost of each of the offset/mitigation actions. Other options that might be applicable to the applicant's specific circumstances should also be evaluated.

Eligible Implementation Projects

Implementation projects can consist of two types of work –demand management projects and mitigation projects to reduce the impacts of water withdrawals or development on streamflow or aquatic habitat in a basin or subbasin. Mitigation projects will be prioritized as follows: direct mitigation over indirect mitigation; and projects closer to the same subbasin as the withdrawal over projects in the same basin or in a different basin.

Demand Management Projects

Demand management projects eligible for funding are listed below; however, all proposed projects that focus on water conservation, loss identification, infrastructure improvements or improved accounting, drought resiliency, rate structure studies and/or billing practices will be considered. Projects must provide an appropriate method for quantifying environmental results such as the water and cost savings from leaks repaired, retrofits, etc. Projects that demonstrate cooperation and partnership between two or more communities or water suppliers, or a community or a public water supplier and a non-government organization with the public water supplier as the contract lead are preferred. **Water Audits are no longer eligible for compensation under the WMA Grant Program. Please call Jen D’Urso at 617-654-6591 for information on a separate program that funds American Water Works M36 Audits, or go to:**

<http://www.mass.gov/eea/agencies/massdep/water/grants/water-management-act-grant-program.html>

Examples of eligible projects include:

- Leak Detection Surveys that demonstrate a commitment to undertake leak repair. Grant funds can be used for comprehensive surveys using data loggers and leak detection correlators or, if justified, the purchase of such equipment.
- Rebates for low-flow WaterSense labeled plumbing fixtures and Consortium for Energy Efficiency (CEE)-qualified appliances.
- Water Rate Surveys for the purposes of establishing water rates to assure appropriate revenues to support maintenance needs, that help reduce non-essential outdoor water use, promote a conservation rate structure, and capital projects for improvements to the water works system that will reduce demands. Grantees should have conducted a water audit and leak detection survey within the previous two years prior to the implementation of a rate study or may conduct such as part of the proposed grant project.

Mitigation Projects

Mitigation project proposals should be shovel-ready projects that have previously been identified during a systematic planning or restoration process, meet the criteria as a

mitigation project, and are able to achieve cost effective environmental improvements. Categories for mitigation projects include: demand management, wastewater and stormwater management, water supply, habitat protection and improvement, and any other project that contributes to improvements in instream flow. Other options that might be applicable to the applicant's specific circumstances should also be evaluated. Mitigation projects should demonstrate the applicability of the offset/mitigation action(s) to the impact being offset.

Required elements for mitigation projects:

- At a minimum, a **project design(s), specific site location(s), and estimated cost of the project** are required as part of the response. Designs must be of sufficient detail, and include sufficient site work, to allow the proposal review committee to evaluate the viability of the proposal. Final designs need to be prepared by a Professional Engineer (PE). A reliable budget for the project and a definitive description of project strategy and viability, as well as the environmental improvements that will result, should also be provided. Sustainability, operation and maintenance, and cost effectiveness are important aspects of proposal competitiveness.
- **Maps** of the site and locus must show site characteristics, location of each specific work location in sufficient detail to defend the project, and watershed location(s) of the proposed work.

3.1 Environmental Specifications

3.1.1 Executive Order 515, Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must be in compliance with Executive Order 515, issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are considered to be products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the EO or the appropriate specifications may be directed to OSD's EPP Procurement Program, www.mass.gov/epp. The Order can be seen at http://www.mass.gov/Agov3/docs/Executive%20Orders/executive_order_515.pdf.

3.1.2 Environmental plan

Beginning the first year of the Contract and throughout the life of the Contract, awarded Bidders **must** agree to work with the SST to examine the feasibility of implementing an environmental plan. The objective of this requirement is to actively encourage suppliers to incorporate sustainable practices throughout their business operations and further market such practices to Contract users. Such a plan may include, but not be limited to, the following:

- Implementing energy efficiency initiatives at the corporate level in line with Executive Order 484, such as lighting retrofits, purchase of energy from renewable sources, use of bio-heat fuel, and other energy reduction technologies.
- Encouraging environmental initiatives at a corporate and/or manufacturing level for the purpose of reducing the impact of manufacturing on the environment; such as clearly identifying recycled content of packaging on the packaging, providing product life cycle assessments, working toward the elimination of ozone depleting chemical usage in the manufacturing or refining process (where applicable), and conducting internal environmental auditing related to pollution control.
- Adopting standards and/or obtain certifications, where applicable, for product development and manufacturing processes such as but not limited to LEED, ISO 14001, Cradle to Cradle (C2C) Protocol, Green Seal, Environmental Choice and others.
- Using alternative fuel vehicles for delivery or transportation purposes and/or vehicles equipped with diesel emission control devices and operating such vehicles with guidance on anti-idling initiatives.
- Working with the SST to develop and distribute information and/or materials to Commonwealth customers on the Awarded Bidder's environmental practices and initiatives throughout the term of the Contract.
- Developing a plan to implement the recycling of materials used or produced in normal business operations.
- The SST may award points to Bidders who provide evidence that measures and initiatives such as these are already in place within their operations, and/or for written proposals submitted with their Quote detailing a commitment to action contingent upon receipt of a Contract award. (See the Additional Environmentally Preferable Products / Practices form on COMMBUYS).

3.2 Compensation Structure/Pricing

3.2.1 Cost tables

Compensation will be based solely on the cost tables (budget) supplied by the Bidder and accepted by MassDEP. Cost tables must contain all goods and services to be provided on this Contract. Compensation will be based on these cost tables. The Cost Table must include a listing of project employees, wage rates, supplies, printing costs, postage and mileage. In-kind matches are calculated as a percent of the total ask, not

additional funds to be added to the total ask. For example, with a total ask of \$100,000, \$20,000 is the match, so the financial request from the state is \$80,000.

4 OTHER TERMS:

4.1 Reporting

Contractors are responsible for compliance with all other contract reporting requirements including, but not limited to, Supplier Diversity Program (SDP) and other contract reports, as required by this contract.

4.2 Orders

Effective July 1, 2014, all orders will be required to be placed through COMMBUYS.

4.3 Alternatives

Contractors may propose alternatives for equivalent, better or more cost effective performance than specified under the Contractor's original Quote at any time during the life of the Contract.

4.4 Failure to perform contractual obligations

Failure to perform contractual obligations as outlined in the Standard Contract Form, Terms and Conditions, and RFR may result in the Termination or Suspension of the Contract.

5 AUDIT:

During the term of this Agreement and for a period of six years thereafter, the Massachusetts Department of Environmental Protection, its auditors, the Operational Services Division, the Office of the Inspector General or other authorized representatives shall be afforded access at reasonable times to Contractor's accounting records, including sales information on any system, reports or files, in order to audit all records relating to goods sold or services performed pursuant to this Agreement. If such an audit indicates that Contractor has materially overcharged the Massachusetts Department of Environmental Protection, then the Contractor shall remit the overcharged amount and be responsible for payment of any costs associated with the audit.

6 EVALUATION CRITERIA

Bidder scores will be used to rank Bidders and will determine which Bidders will proceed to subsequent stages of the evaluation and/or enter into negotiations with the Commonwealth to receive a Contract award.

6.1 Mandatory requirements

Mandatory Specifications must be met in order for a Bid to be evaluated and may be used to disqualify Bidders. In addition, certain mandatory specifications have desirable components to them that may be evaluated. The MassDEP reserves the right, in its discretion, to determine if non-compliance with a Mandatory Specification is insignificant or can be easily corrected.

Eligible grant applicants are Massachusetts public water suppliers or municipalities with a valid Water Management Act permit. **Those holding only a Water Management Registration are not eligible.** Cooperative proposals between a public water supplier and a municipality, watershed association, regional planning agency etc. are encouraged. Applicants do not need to be asking to withdraw more water to be eligible for a WMA Grant, but those with a demonstrated demand increase will be given priority. Particular consideration will also be given to proposed projects in highly impacted basins or subbasins. The following requirements are also mandatory:

1. Planning projects and implementation projects will each have a 20% match requirement. Therefore, 20% of the total request must be cash or in-kind match.
2. Mitigation projects must meet the following requirements:
 - BMPs must be constructed on public lands.
 - Plans for the operation and maintenance of structural and nonstructural BMPs must be provided before reimbursement for BMP installation can occur. A signed agreement that the municipality will maintain the project for the estimated life of the BMP must be included.
 - Upon project completion, municipalities must submit a Construction Certification and an original copy of a full-sized set of drawings/plans (e.g., 24" x 36"), which reflect the "as-built" conditions, developed and stamped by a Professional Engineer. All changes should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials, should be shown on the as-built drawings.
 - The applicant must provide public access to view the project or provide an organized program to educate potential users of the practice.
 - In December 2015, Coastal Zone Management (CZM) completed a report that evaluated the siting, design, and maintenance of coastal stormwater BMPs. Applicants from coastal communities applying for funding for

stormwater management projects are strongly encouraged to review this report and demonstrate that the recommendations developed have been considered when developing a potential project. The review team will evaluate the project approach and viability with these recommendations in mind. Copies of the report are available at <http://www.mass.gov/eea/agencies/czm/program-areas/coastal-water-quality/cpr/climate-change-stormwater-bmps.html>.

- MassDEP has also developed a stormwater handbook. Applicants applying for funding for stormwater management projects should review this report and construct any BMPs following the guidance provided. Copies of the report are available at: <http://www.mass.gov/eea/agencies/massdep/water/regulations/massachusetts-stormwater-handbook.html>.
- Mitigation projects shall follow the appropriate sampling protocol required by the respective town/agencies permitting the project.

3. Projects must address activities that are consistent with the most current WMA Permit Guidance (<http://www.mass.gov/eea/agencies/massdep/water/watersheds/water-management-act-program.html#3>).

4. Projects undertaken to comply with local or governmental enforcement actions such as State or Federal Administrative Orders or Consent Orders cannot be funded.

5. Results of planning projects and/or mitigation projects must be submitted in a final technical report. These results may be a combination of tables, graphs and written descriptions of the evaluated minimization, conservation, and mitigation options, or a technical evaluation of the effectiveness of the mitigation/conservation option implemented.

6.2 Evaluation Components

An interagency selection committee will review proposals from responding public water suppliers. Projects will be selected based upon the following criteria, at a minimum:

- Extent to which the project and targeted watersheds and/or subbasins would further priorities of the WMA Sustainable Water Management Initiative (SWMI), or other suitable water management goals. Particular consideration may be given to proposed projects in highly impacted basins or subbasins and those with a

demonstrated demand increase. Please see the SWMI Interactive Map at: <http://www.mass.gov/dep/water/resources/swmi.htm>.

- Quality and responsiveness of the proposal including; completeness, organization, and conciseness.
- Technical approach including the logic of the plan, clarity of the proposal in problem identification and relevant objectives, discrete project deliverables and results identified, and realistic implementation schedule showing June 30, 2017 project completion.
- Adequacy of the project to successfully address the problems identified in terms of the proposed tasks. Applicant's commitment and qualifications to solving the problems to be addressed by the grant. Applicant's past performance in conducting projects funded under this or other grant programs administered by MassDEP. Likelihood of success of the project, including usefulness of resulting products, and proposed implementation strategies.
- Cost effectiveness of the proposal.
- Ability of the applicant to quantify the project success.
- Ability of the applicant to provide a match.
- Partnering with another municipality or environmental group.
- Prior success of applicant's projects.

6.3 Proposal Format

Proposal sections 1-4, below, shall be limited to 6 pages (single-spaced, 8-1/2" by 11" sheet with 0.5" margins) and shall include the following sections:

- Proposals should include a **concise problem statement** and brief **narrative**, to explain the objective(s) of the project and describe the activities.
- Proposals must also include a **scope of services** with tasks/activities, discrete deliverables, a **milestone schedule**.
- The **proposed project team with the proposed project manager** and key project staff.
- A **table of estimated effort** in hours, rates, and **line item budget** for the various phases of the scope of work.
- Attachments: maps, reports or links to reports, drawings, designs, photographs, resumes of key staff, examples of similar projects, support letters and other

supporting material. When supporting documents are lengthy or oversized, include the information on CD submittals and include a table of supporting materials with summary description in the hard copy submittals.

- A contact list including municipal and consultant contacts email and telephone numbers.

6.4 Supplier Diversity Plan (formerly Affirmative Market Plan) (minimum of 10% weight)

Bidders responding to this RFR are required to submit a Supplier Diversity Plan. Requirements for the Supplier Diversity Plan are included in Section 9.

7 HOW TO SUBMIT A PAPER RESPONSE

INSTRUCTIONS—SUBMIT YOUR RESPONSE IN A SEALED ENVELOPE THAT IS CLEARLY MARKED WITH THE RFR REFERENCE NUMBER BRP-2017-08, BY RESPONSE DEADLINE, TO THE FOLLOWING ADDRESS:

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108
ATTN: Jennifer D'Urso
Telephone: 617-654-6591
Fax: 617-292-5696
E-Mail: jen.durso@state.ma.us

Quotes must be submitted in a sealed envelope and include **one (1)** original signed copy, **one(1)** CD copy, and **seven (7)** duplicate copies.

Response Deadline— Responses are due no later than **September 18, 2017 at 5 pm** and MUST be mailed or hand delivered to the address listed above.

LATE RESPONSES WILL NOT BE CONSIDERED.

7.1 **Environmental Quote Submission Compliance.**

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all Quotes submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the Quote.
- Unless absolutely necessary, all Quotes and copies should minimize or eliminate use of non-recyclable or non-reusable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their Quotes are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

8 APPENDIX 1 – REQUIRED TERMS FOR ALL RFRS

8.1 General Procurement Information

8.1.1 Alterations

Bidders may not alter (manually or electronically) the Bid language or any Bid component files, except as directed in the RFR. Modifications to the body of the Bid, specifications, terms and conditions, or which change the intent of this Bid are prohibited and may disqualify a Quote.

8.1.2 Ownership of Submitted Quotes

The SST shall be under no obligation to return any Quotes or materials submitted by a Bidder in response to this Bid. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder's Quote, whether or not the Quote is selected for Contract award.

8.1.3 Prohibitions

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person using the contact information provided in the Header Information this Bid in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on COMMBUYS should contact the [COMMBUYS Helpdesk](#) (see the document cover page for contact information).

In addition to the certifications found in the Commonwealth's Standard Contract Form, by submitting a Quote, the Bidder certifies that the Quote has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding or planned common course or action with, any other Bidder of the commodities and/or services described in the RFR.

8.2 Terms and Requirements Pertaining to Awarded Contracts

8.2.1 Commonwealth Tax Exemption

Invoices or invoices submitted to Massachusetts government entities must not include sales tax.

8.2.2 Contractor's Contact Information

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately.

The Commonwealth assumes no responsibility if a Contractor's designated email address is not current, or if technical problems, including those with the Contractor's computer, network or internet service provider (ISP), cause e-mail communications between the Bidder and the SST to be lost or rejected by any means including email or spam filtering.

8.2.3 Contractual Status of Orders and Service Contracts

Orders or service contracts placed under the Contract established as a result of this Bid by Eligible Entities shall be considered separate Contracts between the Eligible Entity and the Contractor, and shall be deemed to incorporate all of the terms and conditions of the Contract. Nothing contained in any order or service contract shall amend or vary the terms of the Contract. Additional terms which do not conflict with the Commonwealth's Terms and Conditions, the Massachusetts Standard Contract Form, this Bid and any amendments, or the Bidder's Quote, may be included in an order or service contract if mutually agreed upon by the Contractor and eligible entity.


8.2.4 Publicity

Any Contractor awarded a contract under this Bid is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Eligible Entities, Commonwealth employee names, telephone numbers or addresses, or any other information except as specifically authorized by the SST.

9 APPENDIX 2 - RFR - REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, " *Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

COMMBUYS Subscription. All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

Quote Content. Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

Unless otherwise specified in the RFR, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

Supplier Diversity Program (SDP) Resources:

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: www.mass.gov/sdp
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division's SDO webpage at: www.mass.gov/sdo
- The Operational Services Division's Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html> In addition, the SDP Webinar can be located on the SDP website at www.mass.gov/SDP.

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. ☞ *Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

- The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](#) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, *Establishing Nutrition Standards for Food Purchased and Served by State Agencies*. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](#).

Filing Requirements. ➤ *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply.

In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found as an attachment for this Bid on [COMMBUYS](#).

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the SST. The SST will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The SST reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

10 APPENDIX 3 INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of these forms. It is advisable to print this document first so that it may be referenced when filling out these forms. **The following forms must be submitted with the Proposal, with original ink signatures:**

- the Commonwealth Standard Contract Form,
- the Commonwealth Terms and Conditions,
- Electronic Funds Transfer;
- the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the
- Contractor Authorized Signatory Listing.

These forms are located on the Massachusetts Operational Services Division website:

<http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/osd-forms.html>

10.1 Commonwealth Standard Contract Form

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

By executing this document or signing it electronically, the Bidder certifies, under the pains and penalties of perjury, that it has submitted a Response to this RFR that is the Bidder's Offer as evidenced by the execution of its authorized signatory, and that the Bidder's Response may be subject to negotiation by the SST. Also, the terms of the RFR, the Bidder's Response and any negotiated terms shall be deemed accepted by the Operational Services Division and included as part of the Contract upon execution of this document by the State Purchasing Agent or his designee.

If the Bidder does not have a Vendor Code beginning with "VC," or does not know what their Vendor Code is, the Bidder should leave the Vendor Code field blank. The Bidder should NOT enter a Vendor Code assigned prior to May 2004, as new Vendor Codes have been assigned to all companies since that time.

Signature and date MUST be handwritten in ink, and the signature must be that of one of the people authorized to execute contracts on behalf of the Contractor on the Contractor Authorized Signatory Listing (See below).

10.2 Commonwealth Terms and Conditions

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If the Bidder has already executed and filed the Commonwealth Terms and Conditions form pursuant to another RFR or Contract, a copy of this form may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Commonwealth Terms and Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any Contract executed pursuant to this RFR.

This form must be unconditionally signed by one of the authorized signatories (see Contractor Authorized Signatory Listing, below), and submitted without alteration. If the provisions in this document are not accepted in their entirety without modification, the entire Proposal offered in response to this Solicitation may be deemed non-responsive.

The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form).

10.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If a Bidder has already submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Bidder's legal address and where payments under a State Contract will be sent. The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form.

10.4 Contractor Authorized Signatory Listing

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

In the table entitled "Authorized Signatory Name" and "Title," type the names and titles of those individuals authorized to execute contracts and other legally binding documents on behalf of the Bidder. Bidders are advised to keep this list as small as possible, as Contractors will be required to notify the Procurement Manager of any changes. If the person signing in the signature block on the bottom of the first page of this form will also serve as an "Authorized Signatory," that person's name must be included in the typed table.

With regard to the next paragraph, which begins "I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the

Contractor...,” if your organization does not have these titles, cross them out and handwrite the appropriate title above the paragraph.

The signature and date should be handwritten in ink. Title, telephone, fax and eMail should be typed or handwritten legibly.

The second page of the form (entitled “Proof of Authentication of Signature”) states that the page is optional. However, the “optional” aspect of the form is that Commonwealth Departments are not required to use it. In the case of Statewide Contracts, this page is REQUIRED, not optional. The person signing this page must be the same person signing the Standard Contract Form, the Commonwealth Terms and Conditions, and the RFR Checklist.

Please note that in two places where the form says “in the presence of a notary,” this should be interpreted to mean “in the presence of a notary or corporate clerk/secretary.” Either a notary or corporate clerk/secretary can authenticate the form; only one is required. Organizations whose corporate clerks/secretaries authenticate this form are not required to obtain a Corporate Seal to complete this document.

10.5 Supplier Diversity Program Plan Form 1

NOTE: SDP is REQUIRED for procurements over \$150,000.

Download this form and complete as directed below; include with submission. Ink signature is not required.

The specific Supplier Diversity Program (SDP) requirements for this procurement can be found earlier in this document. Bidders are required to state a specific percentage of contract revenues that will represent the SDP commitment for the entire contract period, including any renewals.

These forms listed below are also required, and can be found on the grant website: <http://www.mass.gov/eea/agencies/massdep/water/grants/water-management-act-grant-program.html>

10.6 Additional Environmentally Preferable Products / Practices

In line with the Commonwealth’s efforts to promote products and practices which reduce our impact on the environment and human health, Bidders are encouraged to provide information regarding their environmentally preferable/sustainable business practices as they relate to this Contract wherever possible. Bidders must complete this form and submit it with their RFR Response.

10.7 Prompt Payment Discount Form

Download this form and complete as directed below; include with online submission. Ink signature is not required.

Pursuant to the Prompt Payment Discount terms set forth in the RFR Required Specifications for Contracts and on the Prompt Payment Discount Form itself, all Bidders must execute this form. After entering the "Bidder Name" and "Date of Offer for Prompt/Early Payment Discount", the Bidder must identify the prompt payment discount(s) terms by indicating the "Percentage Discount off of the Proposed Pricing" and the "Turn-around-time for Payments." In the event of a hardship that prevents the Bidder from offering a prompt payment discount, the Bidder must document this fact and provide supporting information. If awarded a contract, the final negotiated prompt payment discounts should be reflected on the Commonwealth Standard Contract Form.

10.8 EEA Policy Statement

Download this form and complete as directed.

11 APPENDIX 4 - GLOSSARY

In addition to the definitions found in 801 CMR 21.00, which apply to all procurements for goods and services, the definitions found below apply to this Solicitation. Those definitions below designated with an asterisk (“*”) are quoted directly from 801 CMR 21.00 and are included below for quick reference purposes.

Agency – See Department

Bid – While a bid may generally refer to an offer or response submitted in response to a Solicitation or Request for Response (RFR), in COMMBUYS, a “bid” refers to the solicitation, RFR or procurement.

Bidder * - An individual or organization proposing to enter into a Contract to provide a Commodity or Service, or both, to or for a Department or the State.

Commonwealth Contract Manager – See Strategic Sourcing Services Lead

Contract * - A legally enforceable agreement between a Contractor and a Department. ANF, OSD and CTR shall jointly issue Commonwealth Terms and Conditions, a Standard Contract Form and other forms or documentation that Departments shall use to document the Procurement of Commodities or Services, or both. COMMBUYS refers to Contract records as “Purchase Orders” or “Blanket Purchase Orders.”

Contractor * - An individual or organization which enters into a Contract with a Department or the State to provide Commodities or Services, or both.

Contractor Contract Manager – The individual designated by the Contractor to interface with the Commonwealth.

Department - For the purposes of this Solicitation, the terms “Department,” “Eligible Entity,” “Agency,” “Commonwealth Agency,” and “Contracting Department” include all entities listed in the Eligible Entities section of this RFR. COMMBUYS refers to such entities as “Organizations.”

Eligible Entity – See Department

Environmentally Preferable Product (EPP) - A product or service that has a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimize waste, conserve energy or water, and reduce the amount of toxic materials either disposed of or consumed.

Evaluation – The process, conducted by the Strategic Sourcing Team, of reviewing, scoring and ranking the submitted Quotes related to this Bid.

FY – See Fiscal Year

Fiscal Year - The year beginning with July first and ending with the following June thirtieth as defined in M.G.L. Chapter 4, Section 7. This may also be referred to as the "State Fiscal Year."

Organization – See Department

Procurement Team Leader (PTL) – See Strategic Sourcing Services Lead

PTL – See Procurement Team Leader

Purchasing Entity – Same as "Eligible Entity."

Quote or Response - generally refers to the offer submitted in response to a Bid or Request for Response (RFR).

Request for Response (RFR) * – The mechanism used to communicate Procurement specifications and to request Quotes from potential Bidders. An RFR may also be referred to as a "Bid" or "Solicitation."

Response – The Bidder's complete submission (or "Quote" as referenced in COMMBUYS) in response to a Solicitation, in other words, a "Bid" or "Proposal."

Solicitation – See Request for Response (RFR)

SST – See Strategic Sourcing Team

SSSL – See Strategic Sourcing Services Lead

Strategic Sourcing Team (SST) – Representatives from various eligible entities and interested stakeholders that design procurements, develop specifications, conduct Solicitations, evaluate responses to Bids and award Statewide or Department Contracts. The SST also monitors Contractor performance through performance measures and the level of customer satisfaction throughout the life of the Contract. In some agencies, SSTs are referred to as "Procurement Management Teams (PMT)."

Strategic Sourcing Services Lead (SSSL) – Individual designated by the procuring Department to lead the Strategic Sourcing Team and the solicitation and resulting contract. In some agencies SSSLs are referred to as "Procurement Team Leads (PTL)." COMMBUYS Refers to the SSSL in the Header Information section of a Bid as the "Purchaser."